

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MJ ACQUISITIONS, INC., a Michigan
corporation,

Plaintiff,

Case No. 09-13721

v.

SMS LIMITED, a Delaware corporation,
and SMS LIMITED, a California

corporation,

Defendants.

Honorable Patrick J. Duggan

**ORDER GRANTING MODIFICATION TO
TEMPORARY RESTRAINING ORDER**

At a session of said Court, held in the U.S.
District Courthouse, Eastern District
of Michigan, on October 30, 2009.

PRESENT: THE HONORABLE PATRICK J. DUGGAN
U.S. DISTRICT COURT JUDGE

On October 27, 2009, this Court entered a Temporary Restraining Order ("TRO").

The TRO was entered on short notice and without testimony from witnesses. It was intended solely to prevent the harm Plaintiff claimed it would suffer at the Specialty Equipment Market Association's 2009 SEMA Show scheduled for November 4 through 7, if the TRO was not issued. The TRO was not intended to cause Defendants any unnecessary harm and, therefore, the Court did not require Plaintiff to post a bond pursuant to Federal Rule of Civil Procedure 65(c).

Now before the Court is an emergency motion to modify the TRO, filed by Defendant SMS Limited, a California corporation ("SMS Limited"). SMS Limited seeks to add a confidentiality provision to the TRO, barring the parties from revealing the

existence and the content of the order. Plaintiff opposes SMS Limited's request indicating that the TRO, because it has been filed on the Court's public docket, is neither confidential nor secret. Plaintiff further indicates that, if SMS Limited violates the TRO, Plaintiff may need to inform individuals about the TRO (such as SEMA officials). Plaintiff indicates, however, that it does not intend to issue a press release or other form of mass publication regarding issuance of the TRO and that it has communicated this to SMS Limited's counsel.

The Court finds that SMS Limited's requested modification is reasonable. While the Court appreciates Plaintiff's concerns regarding the modification, it believes those concerns are eliminated by the language of the modification. Therefore, the TRO issued on October 27, 2009 shall be modified to provide:

IT IS ORDERED, that the provisions of this order shall not be disclosed by the parties, their employees, or their agents for any purpose unrelated to the enforcement of the order, until further order of the Court.

SO ORDERED.

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Copies to:
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